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Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, December 9, 2003, at 10 a.m.

House of Representatives

MONDAY, DECEMBER 8, 2003

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 8, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 99. An act for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani.

S. 103. An act for the relief of Lindita Idrizi Heath.

NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before December 9, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60 of the Capitol.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. Speaker, again I appreciate the opportunity to work with the gentleman from Wisconsin (Mr. OBEY), as we bring closure to these final seven appropriations bills which the House had already passed once, as I have said before.

There are several important issues: one, as the majority leader said, is we are within the budget. There are a lot of good increases that we have called attention to, in health care, in education, in veterans care, in embassy security, in counterterrorism activities and all. But we offset those increases with rescissions, so that we were able to stay within the budget.

This is a must-pass bill. Appropriations bills have to pass. They are about the only bills here that have to pass. That is why sometimes they attract some riders that actually cause us more problems in negotiations than the appropriations bills themselves. But it is a give-and-take. Republicans and Democrats in the House, Republicans and Democrats in the Senate, leadership of both parties, the administration, the President, we brought all of those divergent groups together and we came up with a package, and that is what is before us today.

For those who are concerned that we did not spend enough money, we did; but we offset. We could have spent more, because we had requests from Members for over \$50 billion worth of Member-adds. For those fiscal conservatives in our body, we found a way to say no to almost all of those requests, the \$50 billion. But we bring about as good a fiscally conservative bill that meets the needs of the country as we possibly could.

So, again, Mr. Speaker, as we get ready to pass this bill and hope and pray that the other body will see fit to do similar so that our agencies can get about their business, I want to thank you for the exemplary way in which you conducted this session today. I want to wish you a Merry Christmas, and I want to wish all the Members a Merry Christmas. We look forward to seeing you next year, when we start this appropriations process all over again.

Mr. Speaker, I ask for a "yes" vote.

Mr. CONYERS. Mr. Speaker, I rise in opposition to the conference report on H.R. 2673. This omnibus appropriations bill, which was thrown together at the last minute, underfunds important programs and proposes dangerous new policies. As Ranking Member of the House Judiciary Committee, I would like to detail my many concerns with this legislation.

LAW ENFORCEMENT GRANTS

The conference report would significantly underfund Federal grants for enhanced law enforcement efforts, for both state and local law enforcement assistance and the Community Oriented Policing Services program ("COPS"). For instance, with respect to actual state and local law enforcement assistance grants (Local Law Enforcement Block Grants, State Criminal Alien Assistance Program, Byrne Grants, Justice Assistance Grants, drug courts, etc.), the Justice Department received

\$2 billion. This conference report would provide only \$1.3 billion, a drastic cut of \$700 million (35 percent). This means that important programs like police block grants, the Boys and Girls Clubs, Project ChildSafe, and others will be slashed.

Developed by the Clinton Administration in 1994, COPS has community policing as its cornerstone; police officers concentrate on specific neighborhoods and gain the trust of community residents to prevent and solve crimes. Targeting youth violence has been a major priority for COPS; instead of locking up juveniles after they have committed offenses, the presence of cops on the beat and in schools helps to keep them out of trouble in the first place. In addition to putting cops on the street and in schools, the COPS program has reduced domestic violence, gang violence, and drug-related crimes by helping to create and organize community groups, victims' groups, treatment centers, and community police in various regions around the country. It is also important to note that local law enforcement is a critical component in the war on terrorism; local police in the everyday course of patrol may be the first to learn about potential terrorist acts or terrorists.

Its success has led to COPS being praised by law enforcement and politicians on both sides of the aisle. Fraternal Order of Police, the largest law enforcement organization in the United States, has stated that "[COPS] is a program that works and one that has had a positive impact on our nation today." Also, during his confirmation hearings, Attorney General John Ashcroft promised to continue supporting COPS and, as a Senator, cosponsored legislation to reauthorize it. Finally, Representative JIM KOLBE, a member of the Appropriations Subcommittee on Commerce-Justice-State-Judiciary, has noted that COPS "has always played a vital role in community safety and [he was] glad to see Federal money funding such a position." This is why it should not be surprising that, initially intended to fund 100,000 officers, the program funded 116,573 officers in September 2002 alone.

The Republican leadership, however, refuses to acknowledge the successes of COPS. Overall, this bill provides \$756 million for COPS, a drastic cut from the FY03 level of \$978 million. More specifically, the conference report provides only \$120 million for the hiring of officers, which is the program's most important component; in FY03, this portion received \$199 million (the Senate bill would have given \$200 million for hiring). In the September 2003 issue of *Washington Monthly*, the Chief of the Richmond Police Department, Andre Parker, said he was "dismayed at the current Administration's attitude toward local law enforcement. . . . [It] has not seemed to grasp what we face." It is clear that the Republicans are giving law enforcement and community policing the short shrift.

If we take away funds now, our local communities who have used COPS money to hire police officers will be devastated; many already are hard-pressed financially because of the slowdown in the economy. So there is no question in my mind that reducing funds will lead to police layoffs and an increase in the cycle on crime and violence.

BIOMEDICAL RESEARCH

The conference report also would stifle research on life-saving drugs and treatments. This is because of the report includes an

amendment by Representative DAVE WELDON that prohibits the PTO from issuing patents "encompassing or directed to" human organisms (section 634 of Division B). While this provision has been marketed as targeted toward human cloning, it would have a much broader effect.

Arguably, any medical treatment is "directed to or encompasses" human organisms. This is broad and vague prohibition could prevent patents on, and thus discourage research into, drugs and treatments for Alzheimer's, in vitro fertilization, and virtually any other area of medicine that pertains to the human body. This poorly-drafted provision is an example of why Congress should not legislate on medical practices and should not make important policy decisions without the input of experts in the field.

GUN SAFETY

The Republican leadership also caved to the gun industry by preventing the Bureau of Alcohol, Tobacco, Firearms, and explosives ("ATF") from enforcing gun safety laws. For instance, the conference report includes proposals from Representative TODD TIAHRT that:

Impose a 24-hour limit on destruction of records of approved firearm purchases (section 618 of Division B). The current rule permits the retention of records for 90 days. The new proposal would undermine audits of the system to ensure it is working properly and undermine the ability to retrieve firearms that have been transferred to criminals and other prohibited owners. A June 2002 study by the General Accounting Office stated that 288 of the 235 (97 percent) firearm retrievals initiated during the first 6 months of the current 90-day rule could not have been done under a 24-hour rule; in other words, the new rule would permit 228 prohibited persons (i.e. felons, domestic violence misdemeanants, fugitives) to keep their illegal guns.

Prohibit the ATF from releasing to the public information regarding sales and dispositions of firearms kept by gun dealers and manufacturers, as well as any records of multiple handgun sales (where 2 or more handguns are sold to the same buyer within 5 days) or gun tracing information reported to ATF (title I of Division B). Community residents no longer would be aware of neighbors stockpiling mass quantities of firearms.

Prohibit ATF from requiring dealers to provide a physical inventory (title I of Division B). This precludes the ATF from finalizing a rule it proposed in August 2000 to require annual inventories. The purpose of the proposed rule was to allow dealers to identify missing firearms and report them as such. Had the ATF's proposal been in effect, we could have avoided the situation that occurred in the Washington, DC, sniper case where Bull's Eye Shooter Supply (the dealer from whom the snipers allegedly stole an assault rifle) asserted they did not know the gun was stolen until the ATF traced it to the store.

Prevent ATF from computerizing records of gun dealers who go out of business (title I of Division B). Computerized records are critical with respect to being able to trace guns used in crimes. As a result of this amendment, a gun used in one crime could not be connected to another crime; depriving law enforcement of valuable evidence.

In essence, the conference report would reverse Clinton Administration policies that led to a substantial decrease in the number of gun

dealers from 245,000 in 1994 to 58,500 now. By making it easier to be a gun dealer, the conference report would make gun shops as prevalent as 7-Eleven; there would be one on every corner in every neighborhood in America, open all day and night. Moreover, as Kristen Rand, Legislative Director of the Violence Policy Center, noted on July 23, 2003, "Representative TIAHRT's proposal would aid criminal gun traffickers and at the same time devastate ATF's already weak oversight authority." Make no mistake about it, the only winners under this proposal are criminals and the NRA.

Beyond these matters relating to Judiciary Committee jurisdiction, I am troubled by the conference reports treatment of other programs and initiatives important to everyday Americans.

In a reversal of prior votes of the House and Senate, the conference report would encourage media monopolies. In June 2003, the Federal Communications Commission raised the broadcast ownership cap from 35 percent of the national market to 45 percent of the market. This decision was widely criticized by Congress and the public, so much so that the House passed by a vote of 400-21 an appropriations bill that prevented the FCC from increasing the 35 percent cap. Similarly, the Senate Appropriations agreed by a vote of 29-0 to overturn the FCC decision, using an appropriations bill to retain the cap at 35 percent. Despite these prior votes, the Republican's engaged in backroom dealing to craft a conference report that lifts the cap to 39 percent (section 629 of Division B). This simply is bad policy that will encourage consolidation and discourage the diversity of voices in the media that drives our democracy.

The legislation fails to block a Labor Department regulation that would deny overtime pay to approximately 8 million workers across the country. Both the House and Senate had agreed to prevent this anti-worker provision from becoming effective, but the Republican leadership has turned its back on working Americans.

The House had agreed to permit drug reimportation so Americans with medical needs could reap the benefits of lower drug costs. By reneging on this promise, the Republican leadership is putting the needs of billion dollar corporations ahead of the needs of the sick.

In a blow to public education and home rule, the Republican leadership is authorizing funds for a school voucher program for the District of Columbia. This program will drain needed funds from already-suffering public schools, depriving school-aged children of the education they need and deserve.

Despite public rhetoric about how much it supports our troops, the Republican leadership thinks nothing of our men and women in uniform when they return from the front. The conference report provides veterans' medical programs with \$700 million less than the Republican leadership promised in the budget resolution and \$900 million less than the veterans groups had sought.

Continuing the Majority's attack on the environment, the Republican leadership weakens the Clean Air Act and prevents 49 states (all except California) from adopting stricter emissions control laws for small engines.

Despite public statements by the President and congressional leaders to support AIDS prevention and treatment, the conference re-

port actually provides less money for AIDS programs than the President's request and other bills. The report requires the National Institutes of Health ("NIH") to return to the treasury a large portion of non-research funds. As a result, the NIH receives \$118 million less than the President's request, \$145 million less than the House level, and \$182 million less than the Senate level. This translates into an actual cut from current funding levels for AIDS programs.

The Bush Administration touted its "No Child Left Behind" package and signed it with great fanfare; not surprisingly, it sought virtually no funds for the program in its next budget. Now, the conference report gives \$24.5 billion, which is \$7.8 billion lower than the amount authorized in the actual bill. This gives schools just enough money to cover inflation and fails to give funding to cover costs incurred in complying with Federal mandates.

The Republican leadership claims to be concerned about domestic security, but now it underfunds the very Department created to provide that security. For example, the 0.59 percent across-the-board budget cut applies to the Department of Homeland Security, such that the planned increase for border protection will have to be cut by two-thirds.

For these reasons, I urge my colleagues to vote "no" on this conference report.

Ms. KILPATRICK. Mr. Speaker, I rise in opposition to the conference report on H.R. 2673. Had this been the product of the appropriations committees of the two chambers, I would gladly lend my support to the passage of this funding bill. But the meddling of the Republican Leadership and administration that wants what it wants when it wants it made for legislative product that is not worthy of support.

When I came to Congress in 1996, I made a commitment to my Michigan constituents to put people first. This bill fails to meet that test. This bill fails that test, and I would like to explain my reasons for opposing its passage.

H.R. 2673 excludes a provision to that would prohibit the Department of Labor from issuing a regulation denying overtime pay to more than 8 million workers. The provision to protect the pay of middle-income working Americans was agreed to by a majority of both bodies, and the Republican Leadership removed this provision.

The bill shortchanges education. It provides \$39 million less for education than what the House originally passed, after subtracting \$318 million in earmarked projects added in conference. The bill does not meet the promises of the "No Child Left Behind Act"—providing \$7.8 billion less than was promised. It shortchanges help with the basics of math and reading by \$6.2 billion when compared to the level promised in No Child Left Behind, leaving more than 2 million children behind. It also shortchanges funding for after-school centers by \$751 million.

The measure includes \$14 million for a new private school voucher program for the District of Columbia. Private school vouchers drain much-needed funding away from public education where all children can benefit.

This funding bill funds state and local law enforcement at \$500 million below the level funded last year, even though state and local law enforcement are on the frontlines in keeping our communities safe.

The conference agreement abandoned the bipartisan agreement between both chambers

of Congress to block the Federal Communications Commission regulations permitting broadcast networks to expand. The FCC issued rules raising the ceiling on media ownership from 35 to 45 percent. Even though House and Senate conferees originally agreed to keeping the current (35 percent) limit, the White House forced a compromise at 39 percent, which would accommodate to giant media interests.

The bill funds the Manufacturing Extension Partnership (MEP) at just \$39 million, a sharp decrease from the fiscal year 2003 level of \$106 million. The MEP offers small manufacturers a range of services from plant modernization to employee training. These modernization efforts help our beleaguered small and mid-sized American manufacturers stay competitive.

This bill forgets about the unemployed in America. Long-term unemployment in November surpassed a 20-year high. Two million Americans remain out of work and have been out of work for over six months. But the majority in this Chamber is ignoring the calls of the jobless for extending unemployment insurance benefits. Congress will be leaving town this week and after December 21, a half a million workers who are jobless through no fault of their own will lose unemployment benefits.

For these reasons, I urge my colleagues to join me in opposing the passage of this bill.

Mr. FILNER. Mr. Speaker and colleagues, I must express my extreme disappointment and dismay at the amount of funding in the Consolidated Appropriations Act for FY2004 for the health care of our nation's veterans.

For almost an entire year, the Members of the House Veterans Affairs Committee (both Democratic and Republican) have been fighting for a budget that is worthy of our veterans. The \$26.3 billion that is included for the FY2004 VA Medical Care Budget in this appropriations bill is approaching a billion less than the figure recommended by the House VA Committee and by the Independent Budget, the budget that is drafted by veterans. One billion dollars would fund approximately 5000 doctors or 10,000 nurses or 3 million additional outpatient visits.

As many of you know, VA Secretary Anthony Principi has been forced, because of lack of funds, to refuse enrollment to many veterans in the VA health care system. Waiting lists for health care appointments include tens of thousands of veterans who are waiting more than six months for their first health care appointment at the VA. This is not the message that we want to send to our troops who are fighting in Afghanistan and Iraq. Now, at this time more than ever, we must place veterans as a top priority. This appropriations bill does not do that.

Veterans' health care is one of our most important funding issues. We hope and pray that we do not have veterans from the current conflict who become ill with Gulf War illnesses. But we must be prepared for that possibility. We must also not forget the warriors of the first Gulf War who are sick and still waiting to learn the cause and the cure for their illnesses. We must be ready to give treatment and care to all the men and women who have sacrificed for our country. We cannot guarantee that with the budget figures in this bill.

It is time to stop this frustrating and ineffective funding for veterans' health care. It is time to change the process of funding VA medical